

**CITY OF NEWPORT BEACH
PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
THURSDAY, SEPTEMBER 6, 2012
REGULAR MEETING – 6:30 p.m.**

MICHAEL TOERGE
Chair

BRADLEY HILLGREN
Vice Chair

FRED AMERI
Secretary

**TIM BROWN
KORY KRAMER
JAY MYERS
LARRY TUCKER**

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

KIMBERLY BRANDT, Community Development Director

**BRENDA WISNESKI, Deputy Community
Development Director**

LEONIE MULVIHILL, Assistant City Attorney TONY BRINE, City Traffic Engineer

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's web site at: <http://www.newportbeachca.gov> and for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

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I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

V. REQUEST FOR CONTINUANCES

VI. CONSENT ITEMS

ITEM NO. 1 Minutes of August 23, 2012

Recommended Action: Approve and file

VII. PUBLIC HEARING ITEMS

Speakers must limit comments to three (3) minutes on all items. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

**ITEM NO. 2 Bristol Chevron Service Station (PA2012-073)
Site Location: 2121 Bristol Street**

Summary:

Amend the existing use permit to construct the following: a 2,945-square-foot convenience store, two side-by-side automated car wash bays, and a new canopy with five new dispensers. Demolition would include three service bays, a snack shop, existing canopy and six dispensers, and an automated car wash. The existing underground storage tanks and the Healy clean air system will remain. Also included in the request is a Type 20 (Off Sale Beer & Wine) ABC license.

CEQA Compliance:

The project is categorically exempt under Section 15332, of the California Environmental Quality Act (CEQA) Guidelines - Class 32 (In-fill Projects).

Recommended Action:

1. Continue the item to September 20, 2012, per the request of the applicant.

ITEM NO. 3 441 Old Newport Medical Office Building (PA2011-056)
Site Location: 441 Old Newport Boulevard

Summary:

A request for a Conditional Use Permit to reduce the required off-street parking and utilize an off-site parking lot. The project proposes to utilize the recently renovated commercial office building (11,540 square feet) for medical office and to provide 51 of the 56 required parking spaces (a reduction of 5 required spaces). Forty-four spaces would be on-site and seven spaces would be provided on the abutting property to the north at 445 Old Newport Boulevard which currently is not occupied.

CEQA Compliance:

The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities).

Recommended Action:

1. Conduct public hearing; and
2. Adopt Resolution No. ____ approving Conditional Use Permit No. UP2011-011.

ITEM NO. 4 Evensen Residence (PA2012-089)
Site Location: 3225 Ocean Boulevard

Summary:

A Variance request to allow the construction of a new 3-level, single-family residential dwelling to encroach 10 feet into the required 10-foot front yard setback at the lower level. The proposed encroachment is below existing grade and would not be visible from Ocean Boulevard.

CEQA Compliance:

The project is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines - Class 3 (New Construction or Conversion of Small Structures).

Recommended Action:

1. Conduct public hearing; and
2. Adopt Resolution No. ____ approving Variance No. VA2012-003.

VIII. STAFF AND COMMISSIONER ITEMS

ITEM NO. 4 MOTION FOR RECONSIDERATION

ITEM NO. 5 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

**ITEM NO. 6 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS
WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR
REPORT.**

ITEM NO. 7 REQUESTS FOR EXCUSED ABSENCES

IX. ADJOURNMENT